
APPENDIX B

Appeal Process for Title I Program Improvement (PI) Schools

Right to Appeal

A district, on behalf of a school, may appeal the California Department of Education's PI determination. Based on the 2003 AYP results, districts have the right to appeal on behalf of a Title I school whose status is as follows:

- The school is identified as a new PI school, or
- An existing PI school is advancing to a new PI level under NCLB.

Direct-funded charter schools that are either a new or advancing PI school may appeal on their own behalf.

Appeals Timeline

After the posting of the 2003 Title I AYP Performance Report on August 15, advancing PI schools and newly identified PI schools will have 10 working days to file an appeal. The appeal must be received by August 29, 2003. Appeals may be:

- faxed to the Title I Policy and Partnerships (TIPP) Office at 916-319-0151,
- mailed to TIPP, 1430 N Street, Suite 4309, Sacramento, CA 95814, or
- submitted electronically following instructions on the CDE Web site at <http://www.cde.ca.gov/iasa/titleone/pi/>.

Basis for an Appeal

An appeal regarding a school's PI determination may be filed based on evidence of either statistical errors or other substantive reasons, as outlined below.

A. An appeal may be submitted based on the following statistical errors:

- The district submitted inaccurate data to the test publisher that resulted in errors in either the calculation of the "percent proficient or above" or in the participation rate on assessments, either for the school as a whole or for a numerically significant subgroup.
- CDE incorrectly calculated the percent proficient or above or participation rates on statewide assessments.

An appeal may be filed if such errors resulted in the identification of the school for PI or advancement. Supporting evidence must be provided with the appeal. The evidence should document the errors that occurred and offer compelling proof that they resulted in the inappropriate placement or advancement of a school in PI.

B. An appeal may be submitted only for the following substantive reasons:

- Closure of the school
- An uncontrollable circumstance, such as a natural disaster

Supporting evidence also must be provided with this type of appeal. The district may not appeal identification for elementary or middle schools that resulted from insufficient participation in the standards assessments used to determine performance in English language arts or mathematics.

C. (*For high schools*). An appeal may be submitted if a high school does not make AYP in 2003 because of its participation rate for all students or for any numerically significant subgroup on the California High School Exit Exam (CAHSEE) and California Alternative Performance Assessment (CAPA).

California Department of Education Final Determination of An Appeal

There will be three separate appeal periods between August and December 2003:

- The **Phase I** appeal period will begin on August 15 upon the release of Phase I data. Phase I appeals must be submitted no later than August 29. CDE will approve or deny these appeals by September 12, 2003. This will be the only opportunity for Title I districts/schools to file an appeal on behalf of existing or new PI schools as determined by the August 2003, Title I AYP Report (Phase I).
- The **Phase II** appeal period will occur in October 2003 once the Phase II data are released. Eligible to appeal will be schools that may have made the August 2003 AYP criteria (Phase I) but do not meet the October 2003 AYP criteria and, thus, face PI consequences. Appeals during this period will be limited to Phase II results.
- The **Phase III** appeal period will begin in December 2003 after the Phase III data are released. This final appeal will be allowed for those few schools that changed PI status as a result of the Phase III data. The CDE decision in all cases is final and will be posted on the CDE Web site at <<http://www.cde.ca.gov/iasa/titleone/pi/>>.